

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.:	US 7,709,037 B2
Issued:	May 4, 2010
Patentees:	
Inventors:	Isabelle LAYE Ted Riley LINDSTROM Leslie LOWRY Fu-I MEI Matthew ZWOLFER Omar DIAZ-CASTILLO Jordan DOLANDE Steven HAVLIK Vladimir RUEDA
Assignee:	Kraft Foods Global Brands LLC
For:	PROCESS CHEESE CONTAINING INCREASED LEVELS OF WHEY PROTEIN
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Application No.:	10/694,960
Filed:	October 28, 2003
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Attorney Docket:	1410/79708
Customer No.:	22242

Confirmation No. 4443

This Request For Certificate Of Correction
Of Patent was electronically filed on June 21,
2010 using EFS-Web.

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

ATTENTION: Certificate of Corrections Branch

**REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT
FOR PTO MISTAKE (37 C.F.R. § 1.322(a))**

Patent US 7,709,037 B2

Issued May 4, 2010

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT dated June 21, 2010

Sir:

In accordance with 37 C.F.R. § 1.322, the above-specified Patentees, through their attorneys, respectfully request that a Certificate of Correction be issued for the above-captioned patent to correct the following error.

The exact page and line number where the error occurred in the application file is as follows:

IN THE CLAIMS:

Column 12, line 65, after "60:40" insert --to-- (from Amendment After Final dated June 29, 2009, page 3, claim 29, line 2).

REMARKS

The above-requested change results from an error which occurred on the part of the United States Patent and Trademark Office ("USPTO") during printing of Patent US 7,709,037 B2. It is believed that issuance of a Certificate of Correction is appropriate, and issuance of such Certificate is respectfully requested.

A Certificate of Correction form, PTO/SB/44 (also referred to as PTO 1050), incorporating the requested change is enclosed herewith.

In accordance with procedures set forth in the notice entitled "Expedited Issuance of Certificates of Correction When the Error is Attributable to the United States Patent and Trademark Office," Patentees submit herewith a copy of the Amendment dated June 29, 2009 as supporting documentation so that this request can be processed without the patent file.

Please send the Certificate to:

Eric D. Misfeldt, Esq.
FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406

Patent US 7,709,037 B2

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REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT dated June 21, 2010

The Commissioner is hereby authorized to charge any additional fees which may be required in respect to this communication to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Dated: June 21, 2010

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Application No. 10/694,960)	
)	
Filed:	October 28, 2003)	<i>Confirmation No. 4443</i>
)	
Applicants:	Isabelle LAYE et al.)	
)	
Title:	PROCESS CHEESE CONTAINING)	This Amendment After Final was electronically filed on June 29, 2009 using EFS-Web.
	INCREASED LEVELS OF WHEY)	
	PROTEIN)	
)	
Art Unit:	1794)	
)	
Examiner:	Leslie A. WONG)	
)	
)	
Attorney Docket:	1410/79708)	
)	
Customer No.:	22242)	

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT AFTER FINAL

Sir:

Applicants hereby petition under 37 CFR § 1.136(a) for a one-month extension of time in the above-identified application, up to and including June 27, 2009 to make this reply timely, the due date for response being Monday, June 29, 2009, the first business day after Saturday, June 27, 2009.

In response to the Office Action mailed February 27, 2009, and the Advisory Action mailed June 15, 2009, as entered in the above-captioned matter, Applicants submit the following:

Application No. 10/694,960

AMENDMENT AFTER FINAL dated June 29, 2009

Reply to Office Action of February 27, 2009 and
Advisory Action of June 15, 2009

Amendments to the Claims being reflected in the listing of claims beginning on page 2 of this paper; and

Remarks beginning on page 5 of this paper.

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listing, of claims in the application:

Listing of Claims:

1. to 26. (Canceled)

27. (Previously Presented) A process cheese comprising casein and whey protein and an emulsifier with a ratio of casein to whey protein of from about 50:50 to about 75:25, wherein the process cheese has a penetrometer firmness of about 10 to about 20 mm and a melting point of about 105 to about 150°F.

28. (Previously Presented) The process cheese of claim 27, further comprising milkfat and one or more ingredients selected from whole whey, cheese, and lactic acid.

29. (Previously Presented) The process cheese of claim 27, wherein the ratio of casein to whey protein in the process cheese is from about 60:40 to about 75:25.

30. (Previously Presented) The process cheese of claim 27, wherein the ratio of casein to whey protein is from about 60:40 to about 70:30.

31. (Previously Presented) The process cheese of claim 28, wherein the ratio of casein to whey protein in the process cheese is from about 60:40 to about 75:25.

32. (Previously Presented) The process cheese of claim 28, wherein the ratio of casein to whey protein is from about 60:40 to about 70:30.

33. (Canceled)

34. (Currently Amended) ~~The process cheese of claim 33, further comprising~~
A process cheese comprising:
a homogenized emulsion of casein and whey protein with a ratio of casein to
whey protein from about 1:1 to about 3:1;
wherein the process cheese has a penetrometer firmness of about 10 to about 20
mm and a melting point of about 105 to about 150°F; and
an emulsifier, milkfat, and one or more ingredients selected from whole whey,
cheese, and lactic acid.

35. (Currently Amended) The process cheese of claim ~~[[33]]~~ 34, comprising about 15 to
about 35 percent cheese, about 10 to about 20 percent added fat, about 2.75 to about 3.25 percent
emulsifier, about 5 to about 20 percent milk protein concentrate, and about 10 to about 20
percent whey protein concentrate.

36. (Currently Amended) The process cheese of claim ~~[[33]]~~ 34, comprising about 15
to about 25 percent added fat, about 2.75 to about 3.25 percent emulsifier, about 0.5 to about
1.0 percent lactic acid, about 5 to about 20 percent milk protein concentrate, and about 10 to
about 20 percent whey protein concentrate.

37. (Previously Presented) The process cheese of claim 36, further comprising about 2
to about 10 percent whole whey.

38. to 42. (Canceled)

Application No. 10/694,960
AMENDMENT AFTER FINAL dated June 29, 2009
Reply to Office Action of February 27, 2009 and
Advisory Action of June 15, 2009

REMARKS

After enter of the present amendment claims 27-32 and 34-37 are pending. Claims 1-26, 33, and 38-42 are canceled. Claim 34 is amended to include the subject matter of claim 33.

Applicants thank the Examiner for the indication of allowable subject matter. In the Advisory Action dated June 15, 2009, claims 27-32 are indicated as allowed and claims 34-37 are objected to as being allowable if rewritten in independent form including all of the limitations of the base claim.

As suggested by the Advisory action, claim 34 is rewritten into independent form including the limitations of its base claim 33. Claims 35 to 36 are amended to depend from claim 34 and now depend from a claim the Advisory Action indicated was allowable.

Claims 33 and 38 to 42 are cancelled. Claims 1-26 were previously canceled.

Applicants respectfully request entry of the present amendment, and now believe all claims are in condition for allowance. The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Dated: June 29, 2009

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